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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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K.K.; ERNCIE GALAVIZ,
Plaintiffs,
v.
SAN BERNARDINO COUNTY, et al.,
Defendants.

NO. EDCV 24-0123-SRM (AGR)
ORDER OF DISMISSAL

On January 18, 2024, K.K. and his mother Erncie Galaviz, proceeding pro se, filed a complaint under 42 U.S.C. § 1983 against the San Bernardino County Child and Family Services (“CFS”) and social worker Ronda Begay. (Dkt. No. 1.) On March 6, 2024, Plaintiffs filed a First Amended Complaint (“FAC”) against the same Defendants. (Dkt. No. 11.)

On March 20, 2024, Defendants filed a motion to dismiss the FAC under Fed. R. Civ. P. 12(b)(6). (Dkt. No. 12.) After briefing was completed, the Magistrate Judge held a hearing on May 20, 2024. (Dkt. No. 21.)

Prior to the hearing, on March 23, 2024, Galaviz filed a petition to appoint her husband Justin Galaviz as guardian ad litem for K.K. (Dkt. No. 14.) On April

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1 4, 2024, the court denied the application because Justin Galaviz was not
2 represented by counsel and had not shown he had no conflict with K.K. (Dkt. No.
3 15 at 1-2.) The court granted Plaintiffs until April 29, 2024, to file a petition for
4 appointment of a guardian ad litem represented by counsel, and warned that
5 otherwise K.K. could be dismissed from this lawsuit without prejudice. (Id. at 2.)
6 No such application has since been filed.

7 On July 16, 2024, the Magistrate Judge issued a Report and
8 Recommendation (“Report”). The Report recommended that the District Court
9 issue an order (1) accepting the Report; (2) granting Defendants’ motion to
10 dismiss; (3) dismissing Plaintiff K.K. without prejudice for failure to seek
11 appointment of an appropriate guardian ad litem; (4) dismissing Plaintiff Galaviz’s
12 claims against Defendant Begay in Claims Six and Seven without leave to amend
13 and dismissing all other claims by Plaintiff Galaviz with leave to amend; and (5)
14 granting Plaintiff Galaviz leave to file a Second Amended Complaint consistent
15 with the Report. (Dkt. No. 22.) Plaintiff thereafter filed a letter and exhibit that the
16 court construed as objections to the Report. (Dkt. Nos. 24, 26.) On August 23,
17 2024, Defendants filed a Response to the Objections. (Dkt. 28.)

18 On September 11, 2024, after conducting a *de novo* determination
19 of the Report and considering the Objections and Response, the Court accepted
20 the findings and conclusions in the Report. (Dkt. No. 29.) The court ordered the
21 following:

- 22 (1) Defendants’ motion to dismiss the First Amended Complaint was
23 granted;
24 (2) Plaintiff K.K. was dismissed without prejudice from this action;
25 (3) Plaintiff Galaviz’s claims against Defendant Begay in Claims Six and
26 Seven of the First Amended Complaint were dismissed without leave to amend,
27 and all other claims made by Plaintiff Galaviz in the First Amended Complaint
28 were dismissed with leave to amend; and

1 (4) Plaintiff Galaviz was granted leave to file a Second Amended
2 Complaint consistent with the Report within 30 days after the Order (October 11,
3 2024).

4 Plaintiff has not filed a Second Amended Complaint (“SAC”) and has not
5 requested an extension of time to do so. On its own motion, the court extended
6 the time for Plaintiff Galaviz to file the SAC until November 12, 2024 and warned
7 that, if she did not file a timely SAC, this action may be dismissed. (Dkt. No. 33.)
8 On November 9, 2024, Plaintiff submitted a letter that is not in the format of a
9 complaint and in any event does not cure the deficiencies in the First Amended
Complaint. (Dkt. No. 34.)

10 Accordingly, IT IS ORDERED that this action is DISMISSED without
11 prejudice.

IT IS SO ORDERED.

15 | DATED: March 19, 2025

SERENA R. MURILLO
United States District Judge